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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/728,857

12/08/2003

Andrew John Cardno

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COMPUDIGM SERVICES INC.  
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EXAMINER

LEE, JINHEE J

ART UNIT

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2174

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/728,857	<b>Applicant(s)</b> CARDNO, ANDREW JOHN	
	<b>Examiner</b> Jinhee J. Lee	<b>Art Unit</b> 2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 101***

1. Claims 1-14 meet the 101 requirements, since the specification describes mass storage memory, giving example of "hard disk, floppy disk or optical disc."

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Wong (6343275).

Re claim 1, Wong discloses a data analysis system embodied on a computer readable storage medium comprising:

an interaction database maintained in computer memory, the interaction database comprising interaction data representing interactions between customers and merchants (see column 4 lines 27-35 for example);

a spatial display component configured to display a graphical spatial representation of at least part of the physical commercial premises of a merchant (see figures 4 and 5 for example, also note that the prior discloses web front-end or web enabled company with employees, see abstract and column 4 lines 33-35 for example);  
a retrieval component configured to retrieve from the interaction database a plurality of data values representing interactions between customers and merchants (see column 4

lines 27-35 for example); a contour generator configured to generate and superimpose a representation of the data values on the spatial representation (see figure 113 for example); a user selection component configured to enable a user to select part of the spatial representation (see column 39 lines 10-16 for example); and a data display component configured to superimpose a representation of interactions between customers and merchants associated with the part of the spatial representation selected by the user (see figure 94 for example);

Wherein upon said user selecting said part of the spatial representation, said data display component superimposes a representation of interactions between customers and merchants associated with said part of the spatial representation selected by the user on said spatial representation whereby said data display presents said interactions between customers and merchants to a user in such a manner to facilitate a business decision (see figure 4a for example). It has been held that the functional “whereby” statement does not define any structure and accordingly can not serve to distinguish. *In re Mason*, 114 USPQ 127, 44 CCPA 937 (1957).

Re claim 2, Wong discloses a data analysis system wherein the merchant provides a plurality of products to customers, the spatial representation comprising representations of one or more of the products corresponding to the spatial position of the products within the physical commercial premises of the merchant (see figure 113 for example).

Re claim 3, Wong discloses a data analysis system wherein the user selection component is configured to enable a user to select a product in the spatial representation (see column 39 lines 10-16 for example).

Re claim 4, Wong discloses a data analysis system wherein the representation generated by the data display component is associated with the product selected by the user (see figure 113 and column 39 lines 5-10 for example).

Re claim 5, Wong discloses a data analysis system wherein the representation displays interactions between customers and merchants involving the product selected by the user (see column 39 lines 10-16 for example).

Re claim 6, Wong discloses a data analysis system wherein the contour generator is configured to generate and display a contoured representation of one or more of the data values centered on respective data points such that one or more of the data points is displayed as a local maximum (see figure 113 for example).

Re claim 7, Wong discloses a data analysis system wherein the contour generator is configured to generate and display data points corresponding to the data values on one or more contour lines around one or more of the data points, each contour line representing data values which are less than the data value of the data point around which the contour line is displayed (see figure 113 for example).

Re claim 8, Wong discloses a method of data analysis embodied on a computer readable storage medium comprising the steps of: maintaining in computer memory an interaction database, the interaction database comprising interaction data representing interactions between customers and merchants (see column 4 lines 27-35 for example);

displaying a graphical spatial representation of at least part of the physical commercial premises of a merchant (see figure 113 for example); retrieving from the interaction database a plurality of data values representing interactions between customers and merchants (see column 39 lines 10-16 for example); generating and superimposing a representation of the data values on the spatial representation (see figure 94 for example); and superimposing a representation of interactions between customers and merchants associated with part of the spatial representation selected by a user (see column 3 lines 10-16 and figure 94 for example);

Wherein upon said user selecting said part of the spatial representation, a representation of interactions between customers and merchants associated with said part of the spatial representation selected by the user is superimposed on said spatial representation whereby said representation of interactions between customers and merchants is presented to a user in such a manner to facilitate a business decision (see figure 4a for example). It has been held that the functional “whereby” statement does not define any structure and accordingly can not serve to distinguish. *In re Mason*, 114 USPQ 127, 44 CCPA 937 (1957).

. Re claim 9, Wong discloses a method in which the merchant provides a plurality of products to customers, the method further comprising the step of displaying representations of one or more of the products corresponding to the spatial position of the products within the physical commercial premises of the merchant (see figure 113 for example).

Re claim 10, Wong discloses a method further comprising the step of providing a user selection component to enable a user to select a product in the spatial representation (see column 39 lines 10-16 for example).

Re claim 11, Wong discloses a method further comprising the step of generating and displaying a representation associated with the product selected by the user (see figure 113 and column 39 lines 5-10 for example).

Re claim 12, Wong discloses a method further comprising the step of displaying a representation of interactions between customers and merchants involving the product selected by the user (see column 39 lines 10-16 for example).

Re claim 13, Wong discloses a method further comprising the step of generating and displaying a contoured representation of one or more of the data values centered on respective data points, such that one or more of the data points is displayed as a local maximum (see figure 113 for example).

Re claim 14, Wong discloses a method further comprising the step of generating and displaying data points corresponding to the data values and one or more contour lines around one or more of the data points, each contour line representing data values which are less than the data value of the data point around which the contour line is displayed (see figure 113 for example).

### ***Response to Arguments***

4. No arguments were made.

101 rejections have been met due to amendments to the claims.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jinhee J. Lee whose telephone number is 571-272-1977. The examiner can normally be reached on M-F at 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 571-272-2100 ext. 74. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jinhee J Lee/  
Primary Examiner, Art Unit 2174

jji